

**Alex J. Keoskey, Esq. (#040981996)**  
**DECOTIIS, FITZPATRICK, COLE & GIBLIN, LLP**  
**Glenpointe Centre West**  
**500 Frank W. Burr Blvd., Suite 31**  
**Teaneck, New Jersey 07666**  
**Tel: 201-928-1100**  
**Fax: 201-928-0588**  
**Email: akeoskey@decotiislaw.com**  
**Attorneys for Defendants Samuel Caruthers, M.D. and Sanjay Tewari, M.D.**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

GOVERNMENT EMPLOYEES  
INSURANCE CO., GEICO INDEMNITY  
CO., GEICO GENERAL INSURANCE  
COMPANY and GEICO CASUALTY CO.,

Plaintiffs,

v.

NINGNING HE, M.D.,  
ADVANCED PAIN CARE, L.L.C.,  
SASCHA QIAN, M.D.,  
RAJIVAN MANIAM, M.D.,  
YOUNG M. AHN, L.A.C.,  
APEX ANESTHESIA ASSOCIATES, L.L.C.,  
JOHN LI, M.D.,  
ANTHONY SURACE, M.D.,  
ANI KALFAYAN, M.D.  
SAMUEL CARUTHERS, M.D.  
TIMOTHY FINLEY, M.D.,  
SANJAY TEWARI, M.D.,  
LOUIS QUARTARARO, M.D.,

Defendants.

Civil Action No.: 2:19-cv-09465-KM-JBC

**ANSWER TO COMPLAINT AND  
AFFIRMATIVE DEFENSES**

Defendants, Samuel Caruthers, M.D. and Sanjay Tewari, M.D. (hereinafter  
“Defendants”) through their counsel answer in response to Plaintiffs’ Complaint as follows:

**AS TO “NATURE OF THE ACTION”**

1. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
2. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
3. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations contained in this paragraph, and therefore deny the same, leaving the Plaintiffs to their proofs.
4. Defendants admit that they were physicians licensed to practice medicine in New Jersey. Defendants are without knowledge and/or information sufficient to form a belief as to the remaining allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
5. Defendants deny the allegations asserted in this paragraph.
6. Defendants deny the allegations asserted in this paragraph.
7. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

**AS TO “THE PARTIES”**

8. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

9. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
10. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
11. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
12. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
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19. Defendants deny the allegations asserted in this paragraph.
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23. Defendants deny the allegations asserted in this paragraph.
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31. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

**AS TO “JURISDICTION AND VENUE”**

32. Defendants deny to the extent it is alleged that the Plaintiff has any viable claims against Defendants.

33. Defendants deny to the extent it is alleged that the Plaintiff has any viable claims against Defendants.

34. Defendants deny to the extent it is alleged that the Plaintiff has any viable claims against Defendants.

35. Defendants deny to the extent it is alleged that the Plaintiff has any viable claims against Defendants.

**AS TO “ALLEGATIONS COMMON TO ALL COUNTS”**

36. Admitted.

37. Admitted.

38. Admitted.

39. Admitted.

40. Admitted.

41. Admitted.

42. Admitted.

43. Admitted.

44. Admitted.

45. Admitted.

46. Admitted.

47. Admitted.

48. Admitted.

49. Admitted.

50. Admitted.

51. Admitted.

52. This paragraph contains legal conclusions and/or arguments and Defendants make no answer thereto. To the extent that the allegations asserted in this paragraph may be construed to allege any cause of action against Defendants, same are denied.

53. This paragraph contains legal conclusions and/or arguments and Defendants make no answer thereto. To the extent that the allegations asserted in this paragraph may be construed to allege any cause of action against Defendants, same are denied.

54. This paragraph contains legal conclusions and/or arguments and Defendants make no answer thereto. To the extent that the allegations asserted in this paragraph may be construed to allege any cause of action against Defendants, same are denied.

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62. This paragraph contains legal conclusions and/or arguments and Defendants make no answer thereto. To the extent that the allegations asserted in this paragraph may be

construed to allege any cause of action against Defendants, same are denied.

63. This paragraph contains legal conclusions and/or arguments and Defendants make no answer thereto. To the extent that the allegations asserted in this paragraph may be construed to allege any cause of action against Defendants, same are denied.
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293. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

294. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

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310. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
311. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
312. This paragraph contains legal conclusions and/or subjective opinions and arguments and Defendants make no answer thereto. To the extent that the allegations asserted in this paragraph may be construed to allege any cause of action against Defendants, same are denied.
313. This paragraph contains legal conclusions and/or subjective opinions and arguments and Defendants make no answer thereto. To the extent that the allegations asserted in this paragraph may be construed to allege any cause of action against Defendants, same are denied.
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denied.

315. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

316. This paragraph contains legal conclusions and/or subjective opinions and arguments and Defendants make no answer thereto. To the extent that the allegations asserted in this paragraph may be construed to allege any cause of action against Defendants, same are denied.

317. Denied as to Defendants.

318. Denied as to Defendants.

319. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

320. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

321. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

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327. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

328. Defendants deny the allegations asserted in this paragraph.

329. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

330. Defendants deny the allegations asserted in this paragraph.

331. Defendants deny the allegations asserted in this paragraph.

332. Defendants deny the allegations asserted in this paragraph.

333. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to

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347. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

348. Defendants deny the allegations asserted in this paragraph (ii). Defendants are without knowledge and/or information sufficient to form a belief as to the remaining allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

349. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
350. Defendants deny the allegations asserted in this paragraph (iv), (v), (ix), (x), (xiii), (xxii) and (xxiv). Defendants are without knowledge and/or information sufficient to form a belief as to the remaining allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
351. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
352. Denied as to Defendants.
353. Defendants deny the allegations asserted in this paragraph (i), (ii), (vi), (xiii), (xiv), (xv), (xxi) and (xxiii). Defendants are without knowledge and/or information sufficient to form a belief as to the remaining allegations asserted in this paragraph.
354. Defendants deny the allegations asserted in this paragraph.
355. Defendants deny the allegations asserted in this paragraph.
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359. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
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394. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
395. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
396. This paragraph contains legal conclusions and/or arguments and Defendants make no answer thereto. To the extent that the allegations asserted in this paragraph may be construed to allege any cause of action against Defendants, same are denied.
397. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
398. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to

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401. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

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409. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

410. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

**AS TO “FIRST CAUSE OF ACTION”**  
**Against Advanced Pain Care and Apex Anesthesia**  
**(Declaratory Judgment – 28 U.S.C. §§ 2201 and 2202)**

411. Defendants repeat their responses to each of the allegations set forth above as if set forth at length herein.

412. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

413. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to

their proofs.

414. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

**AS TO “SECOND CAUSE OF ACTION”**

**Against All Defendants**

**(Violation of New Jersey Insurance Fraud Prevention Act – (N.J.S.A. 17:33A-1et seq.))**

415. Defendants repeat their responses to each of the allegations set forth above as if set forth at length herein.
416. Defendants deny the allegations asserted in this paragraph.
417. Defendants deny the allegations asserted in this paragraph.
418. Defendants deny the allegations asserted in this paragraph.

**AS TO “THIRD CAUSE OF ACTION”**

**Against He**

**(Violation of RICO, 18 U.S.C. §1962 (c))**

419. Defendants repeat their responses to each of the allegations set forth above as if set forth at length herein.
420. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
421. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
422. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to

their proofs.

423. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

424. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

425. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

**AS TO “FOURTH CAUSE OF ACTION”**

**Against He, Qian, Maniam, Ahn, Quartararo, Apex Anesthesia, Li, Surace, Kalfayan,  
Caruthers, Finley, and Tewari  
(Violation of RICO, 18 U.S.C. §1962 (d))**

426. Defendants repeat their responses to each of the allegations set forth above as if set forth at length herein.

427. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

428. Defendants admit Caruthers and Tewari were per diem employees only.

429. Defendants deny the allegations asserted in this paragraph.

430. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

431. Defendants are without knowledge and/or information sufficient to form a belief as to the

allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

432. Defendants deny the allegations asserted in this paragraph.

433. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

434. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

**AS TO “FIFTH CAUSE OF ACTION”**  
**Against Advanced Pain Care, He, Qian, Maniam, and Ahn**  
**(Common Law Fraud)**

435. Defendants repeat their responses to each of the allegations set forth above as if set forth at length herein.

436. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

437. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

438. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

439. Defendants are without knowledge and/or information sufficient to form a belief as to the

allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

440. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

441. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

**AS TO “SIXTH CAUSE OF ACTION”**

**Against Quartarato, Apex Anesthesia, Li, Surace, Kalfayan, Caruthers, Finley, and Tewari  
(Aiding and Abetting Fraud)**

442. Defendants repeat their responses to each of the allegations set forth above as if set forth at length herein.

443. Defendants deny the allegations asserted in this paragraph.

444. Defendants deny the allegations asserted in this paragraph.

445. Defendants deny the allegations asserted in this paragraph.

446. Defendants deny the allegations asserted in this paragraph.

447. Defendants deny the allegations asserted in this paragraph.

448. Defendants deny the allegations asserted in this paragraph.

449. Defendants deny the allegations asserted in this paragraph.

**AS TO “SEVENTH CAUSE OF ACTION”**

**Against Advance Pain Care, He, Qian, Maniam, Ahn, Quartararo, Apex Anesthesia, Li,  
Surace, Kalfayan, Caruthers, Finley, and Tewari  
(Unjust Enrichment)**

450. Defendants repeat their responses to each of the allegations set forth above as if set forth at length herein.



- 451. Defendants deny the allegations asserted in this paragraph.
- 452. Defendants deny the allegations asserted in this paragraph.
- 453. Defendants deny the allegations asserted in this paragraph.
- 454. Defendants deny the allegations asserted in this paragraph.
- 455. Defendants deny the allegations asserted in this paragraph.

**AS TO “EIGHT CAUSE OF ACTION”**  
**Against Advance Pain Care and He**  
**(Violation of RICO, 18 U.S.C. §1962 (c))**

- 456. Defendants repeat their responses to each of the allegations set forth above as if set forth at length herein.
- 457. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
- 458. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
- 459. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
- 460. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.
- 461. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to

their proofs.

462. Defendants are without knowledge and/or information sufficient to form a belief as to the allegations asserted in this paragraph, and therefore deny the same, leaving Plaintiffs to their proofs.

**AS TO "NINTH CAUSE OF ACTION"**

**Against Advance Pain Care, He, Qian, Maniam, Li, Surace, Kalfayan, Caruthers, Finley,  
and Tewari**

**(Violation of RICO, 18 U.S.C. §1962 (d))**

463. Defendants repeat their responses to each of the allegations set forth above as if set forth at length herein.
464. Defendants deny the allegations asserted in this paragraph.
465. Defendants deny the allegations asserted in this paragraph.
466. Defendants deny the allegations asserted in this paragraph.
467. Defendants deny the allegations asserted in this paragraph.
468. Defendants deny the allegations asserted in this paragraph.
469. Defendants deny the allegations asserted in this paragraph.
470. Defendants deny the allegations asserted in this paragraph.
471. Defendants deny the allegations asserted in this paragraph.

**AS TO "TENTH CAUSE OF ACTION"**

**Against Apex Anesthesia, He, Advance Pain Care, Li, Surace, Kalfayan, Caruthers, Finley,  
and Tewari**

**(Common Law Fraud)**

472. Defendants repeat their responses to each of the allegations set forth above as if set forth at length herein.
473. Defendants deny the allegations asserted in this paragraph.
474. Defendants deny the allegations asserted in this paragraph.

475. Defendants deny the allegations asserted in this paragraph.

476. Defendants deny the allegations asserted in this paragraph.

477. Defendants deny the allegations asserted in this paragraph.

478. Defendants deny the allegations asserted in this paragraph.

**AS TO “ELEVENTH CAUSE OF ACTION”**

**Against Apex Anesthesia, He, Advance Pain Care, Li, Surace, Kalfayan, Caruthers, Finley,  
and Tewari**

**(Unjust Enrichment)**

479. Defendants repeat their responses to each of the allegations set forth above as if set forth at length herein.

480. Defendants deny the allegations asserted in this paragraph.

481. Defendants deny the allegations asserted in this paragraph.

482. Defendants deny the allegations asserted in this paragraph.

483. Defendants deny the allegations asserted in this paragraph.

484. Defendants deny the allegations asserted in this paragraph.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Plaintiffs fail to set forth a cause of action upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs’ Complaint is barred, in whole or in part, because Defendants acted in accordance with all applicable laws of the State of New Jersey and the United States of America.

**THIRD AFFIRMATIVE DEFENSE**

Recovery is barred in this action by the applicable statute of limitations.

**FOURTH AFFIRMATIVE DEFENSE**

Defendants did not engage in any conduct that constitutes a wrongful, intentional act.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are barred by the principals of waiver, estoppels, res judicata, and laches.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint fails to state a claim upon which relief may be granted.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiffs' damages, if any, are wholly attributable to the wrongful acts, omissions, or conduct of other parties.

**EIGHTH AFFIRMATIVE DEFENSE**

The incidents alleged were neither intended, foreseeable, nor preventable by the exercise of reasonable care.

**NINTH AFFIRMATIVE DEFENSE**

Damages, if any, sustained by Plaintiffs were the result of actions of persons and/or entities over which Defendants had no control.

**TENTH AFFIRMATIVE DEFENSE**

Recovery in this action is barred, in whole or in part, by the negligence of other parties.

**ELEVENTH AFFIRMATIVE DEFENSE**

Defendants were not in privity of contract with Plaintiffs and therefore owed no duty to Plaintiffs.

**TWELVTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint and desired relief and recovery are barred by judicial estoppel.

**THIRTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint and desired relief and recovery are barred by the doctrine of comity as applied to the law and courts of the State of New Jersey.

**FOURTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint and desired relief and recovery are barred by equitable estoppel.

**FIFTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint and desired relief and recovery are barred by public policy.

**SIXTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint and desired relief and recovery are barred by waiver.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint and desired relief and recovery are barred by the doctrine of avoidable consequences.

**EIGHTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint and desired relief and recovery are barred by collateral estoppel.

**NINETEENTH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint and desired relief and recovery are barred by lack of causation.

**TWENTIETH AFFIRMATIVE DEFENSE**

Plaintiffs' Complaint and desired relief and recovery, and the scandalous and scurrilous allegations in Plaintiffs' Complaint, are barred pursuant to Federal Rule of Procedure 12(f).

**RESERVATION OF RIGHTS**

Defendants reserve the right, at or before trial, to move to dismiss the Complaint and/or for summary judgment, on the ground that the Complaint fails to state a claim upon which relief can be granted, that the allegations within the Complaint are frivolous and/or that Defendants are

entitled to judgment as a matter of law, based on any or of the above defenses.

**NOTICE PURSUANT TO FED.R.CIV.P.5**

TAKE NOTICE that pursuant to the above-cited Rule of Court, that each party herein deriving or receiving pleadings, deposition transcripts, discovery request, interrogatories, correspondence and other documents within the scope of Fed.R.Civ.P.5, is hereby requested to serve same upon the undersigned attorney, whether or not they were received or served prior to or after the filing of the date of this Answer.

**ANSWER TO CROSSCLAIMS**

Defendants, by way of Answer to any and all cross-claims which may be made against it say:

Defendants deny all allegations of any cross-claim that cross-claimants are entitled to relief sought.

WHEREFORE, Defendants demand judgment dismissing any cross-claim, plus costs.

**CROSSCLAIM FOR CONTRIBUTION AND INDEMNIFICATION**

Without admitting any liability whatsoever, Defendants hereby demand from any/all other defendants currently named or to be named to this action, both contribution and indemnification pursuant to any/all applicable provisions of common law and/or contract and/or statute and/or, by way of demand for complete indemnification against all other defendants currently named or to be named, assert that any negligence on the part of this answering Defendant is only secondary, vicarious, and imputed whereas the negligence of any/all such other defendants was primary, direct, and active.

**JURY DEMAND**

Defendants demand a trial by jury on all of the issues herein.

**DEMAND FOR DISCOVERY**

Defendants hereby demand that Plaintiffs provide Rule 26 disclosures as required by the Rules of Court, along with responses to any discovery provided or propounded by any party in this matter.

**LOCAL CIVIL RULE 11.2 CERTIFICATION**

The undersigned counsel hereby certifies that the within matter in controversy is not the subject of any other action pending in any court or of a pending arbitration or administrative proceeding and that, to the best of counsel's knowledge, there is no other party who should be joined in this action.

**DeCotiis, FitzPatrick, Cole & Giblin, LLP**  
*Attorneys for Defendants*

/s/ Alex J. Keoskey

By: \_\_\_\_\_  
Alex J. Keoskey, Esq.

Dated: May 8, 2019